## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

UNITED STATES OF AMERICA	)	COLLIER/CARTER
	)	
V.	)	CASE NO. 1:09-CR-116
	)	
NORMAN DUNN	)	

## ORDER

On November 2, 2009, Magistrate Judge William B. Mitchell Carter filed a Report and Recommendation (Court File No. 37), and on November 23, 2009, filed a Modified Report and Recommendation recommending (a) the Court accept Defendant Norman Dunn's ("Defendant") plea of guilty to Count One of the Indictment, to the extent that it charges the lesser included offense under 21 USC §§ 846, 841(a)(1) and (b)(1)(C), in exchange for the undertakings made by the government in the written plea agreement; (b) the Court adjudicate Defendant guilty of the charges set forth in Count One of the Indictment; (c) that a decision on whether to accept the plea agreement be deferred until sentencing; and (d) Defendant shall be taken into custody pending sentencing in this matter (Court File No. 38). Neither party filed an objection within the given ten days. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court ACCEPTS and ADOPTS the magistrate judge's modified report and recommendation (Court File No. 38) pursuant to 28 U.S.C. § 636(b)(1) and ORDERS as follows:

- (1) Defendant's plea of guilty to Count One of the Indictment, to the extent that it charges the lesser included offense under 21 USC §§ 846, 841(a)(1) and (b)(1)(C), in exchange for the undertakings made by the government in the written plea agreement, is **ACCEPTED**;
  - (2) Defendant is hereby **ADJUDGED** guilty of the charges set forth in Count One of the

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Indictment, to the extent that it charges the lesser included offense under 21 USC §§ 846, 841(a)(1) and (b)(1)(C);

- (3) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
- (4) Defendant **SHALL BE TAKEN INTO CUSTODY** pending sentencing on **Thursday, February 18, 2010, at 2:00 p.m.**

SO ORDERED.

**ENTER:** 

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE